IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.970 OF 1998

Ms.N.K.Koli
5/2 A, Govind Shivram Chawl
Nowroji Road, Colaba,
Bombay 400 005. .. Petitioner

vs.

1. State of Maharashtra
   Secretary Tribal Development Dept.,
   Mantralaya, Mumbai 400032.

2. Chairman,
   Committee for Scrutiny &
   and verification of Tribe claims,
   Pune.

3. Executive Magistrate,
   Mumbai City, Old Custom HOuse,
   Fort, Mumbai -23

4. Registrar,
   University of Bombay,
   Fort ..Respondents

None present for the petitioner.

Mr.C.R.Sonawane, AGP for the Respondent Nos.1 to 3.

CORAM : F.I.REBELLO &
S.P.KUKDAY, JJ.

DATED : 9th February, 2005.

ORAL JUDGMENT (Per F.I.Rebello, J.) :

1. None present for the petitioner when the matter is called out. The Committee for scrutiny on verification rightly by the Order dated 17.2.1990 have rejected the petitioners claim as belonging to the Mahadeo Koli Schedule Tribe. The documents produced by the petitioners were considered and thereafter the School and home inquiry was conducted. The report prepared was made available to the candidate. From the documents it is seen in that the father's primary school leaving certificate the caste is recorded as Koli and is of the year 1950. The Committee, considered this to be of high probative value. The Committee thereafter arrived at the conclusion that the caste of the Petitioner can not be different from the father, as it is always acquired by birth. The other documents were rejected as they would not help in ascertaining the tribe claim of the petitioner. From the information given by the petitioner regarding the characteristics of the tribe, the Committee found that all the information given was in respect of Koli Community and for the aforesaid reasons rejected the petitioner's claim.

2. The findings are pure yl, findings of fact on assesment of the evidence on record. From the award we do not find that the order suffers from any error of law aparent in the face of the record. In the light of that the petition stands dismissed.

. Rule discharged.

. Interim relief stands vacated.

(F.I.Rebello, J.)

(S.P.Kukday, J.)